Resolution on the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB811 (BCS-GH811-4), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

2021/3057(RSP) - 09/03/2022 - Text adopted by Parliament, single reading

The European Parliament adopted by 482 votes to 198, with 14 abstentions, a resolution **objecting** the draft Commission implementing decision authorising the placing on the market of products containing, consisting of or produced from genetically modified cotton GHB811 (BCS-GH811-4), pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

On 19 September 2018, BASF Agricultural Solutions Belgium NV, based in Belgium, which is a branch of BASF SE, based in Germany, submitted, on behalf of BASF Agricultural Solutions Seed US LLC, based in the United States, an application for the placing on the market of foods, food ingredients and feed containing, consisting of or produced from genetically modified cotton GHB811. On 8 July 2021, the European Food Safety Authority (EFSA) adopted a favourable opinion on this application.

The GM cotton was developed to confer tolerance to glyphosate and HPPD inhibitor herbicides such as isoxaflutole, mesotrione and tembotrionine.

Lack of assessment of herbicide residues and metabolites

Members pointed out that a number of studies show that herbicide-tolerant GM crops result in a higher use of complementary herbicides, in large part because of the emergence of herbicide-tolerant weeds. GM cotton may therefore be exposed to both higher and repeated doses of glyphosate and HPPD inhibitor herbicides, which may lead to an increase in the amount of residues in the harvest.

The resolution states that isoxaflutole is, according to the harmonised classification and labelling approved by the EU, highly toxic to aquatic life and may cause harm to the unborn child. However, only isoxaflutole was used on GM cotton for the purpose of the risk assessment.

Furthermore, the assessment of residues of herbicides and their breakdown products (‘metabolites’) in GM plants is considered to be outside the remit of the EFSA GMO Panel. It is therefore not undertaken as part of the GMO authorisation procedure.

Comments from Member State competent authorities

Parliament also stated that Member States submitted many critical comments to EFSA during the consultation period. Those critical comments include that on the basis of the evidence presented, it is not possible to conclude on the comparative assessment of the GM cotton or on its safety, that cultivation of the GM cotton entails increased exposure of operators in third countries to glyphosate, whose impact on

health is currently in dispute but could be adverse, that information and data provided on toxicology is insufficient and that the monitoring plan does not relate the monitoring activities to relevant protection goals.

Undemocratic decision-making

Parliament welcomed the fact that the Commission finally recognised the need to take sustainability into account when it comes to authorisation decisions on GMOs. It expressed its deep disappointment, however, that, since then the Commission has continued to authorise GMOs for import into the Union, despite ongoing objections by Parliament and a majority of Member States voting against.

Parliament highlighted that the amendments adopted by the European Parliament on 17 December 2020 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 182/2011, which were adopted in Parliament as a basis for negotiations with the Council, state that the Commission shall not authorise GMOs when there is not a qualified majority of Member States in favour. It insisted that the Commission respect this position and called on the Council to proceed with its work and adopt a general approach on this file as a matter of urgency.

Despite its own acknowledgement of the democratic shortcomings, the lack of support from Member States and the objections of Parliament, the Commission continues to authorise GMOs.

Upholding international obligations

Members recalled the UN's Sustainable Development Goal (SDG) Target 3.9, which aims to significantly reduce the number of deaths and illnesses caused by hazardous chemicals, pollution and contamination of air, water and soil by 2030. They considered that authorising the import of GM cotton would increase the demand for this crop, which is treated with glyphosate and HPPD inhibitor herbicides, thereby increasing the exposure of workers and the environment in third countries.

In addition, the EU, as a party to the UN Convention on Biological Diversity (UN CBD), has the responsibility to ensure that activities within its jurisdiction or control do not cause damage to the environment of other States. The import of the GM cotton should not be authorised given that its cultivation, and resulting transgene introgression, could unbalance delicate ecological interactions in ecosystems of wild cotton.

Recommendations

On the basis of these considerations, Parliament considered that the Commission's draft implementing decision was not consistent with Union law and asked the Commission to withdraw its draft implementing decision.

The Commission is also asked to:

- not to authorise herbicide-tolerant GM crops until the health risks related to residues have been thoroughly investigated on a case-by-case basis;

- take account of the EU's obligations under international agreements, such as the Paris Climate Agreement, the UN Convention on Biological Diversity (CBD) and the UN's SDGs, and ensure that draft implementing acts explain how they uphold with the principle of 'do no harm'.